

Waste Compliance and Mitigation Program Staff Report
New Solid Waste Facilities Permit for Athens Sun Valley Material Recovery Facility
SWIS No. 19-AR-5581
June 25, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the City of Los Angeles Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit for the Athens Sun Valley Material Recovery Facility (MRF), SWIS No. 19-AR-5581, located in the City of Los Angeles, owned and operated by Arakelian Enterprises, Inc. dba Athens Services. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was initially received on June 15, 2010. Action must be taken on this permit no later than August 16, 2010. If no action is taken by August 16, 2010, the Department will be deemed to have concurred with the issuance of the proposed new permit. **Note: The facility's existing temporary permit expires on June 30, 2010.**

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2008 Temporary Permit)	Proposed Permit
Facility Name	Athens Sun Valley MRF	Athens Sun Valley MRF
Permitted Area	4.9 acres	4.9 acres
Permitted Throughput	400 TPD Construction and Demolition	1,500 Tons Per Day (TPD) (1000 TPD Municipal Solid Waste) (500 TPD Construction and Demolition)
13. Findings	No findings are listed on the current permit.	<p>a. The facility is identified in Table 1.16 of the City of Los Angeles Non-Disposal Facility Element, dated December 2002. <i>[Public Resources Code (PRC), Section 50000(a)(2)]</i></p> <p>b. This permit is consistent with standards adopted by the California Department of Resources Recycling and Recovery (CalRecycle). <i>[PRC, Section 44009]</i></p> <p>c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Local Enforcement Agency (LEA). <i>[PRC, Section 44009]</i>.</p> <p>d. The local fire protection agency, the Los Angeles City Fire Department, has determined that the facility is in conformance with applicable standards as required in <i>PRC, Section 44151</i>.</p> <p>e. An Environmental Impact Report (EIR) was filed with the State Clearinghouse (SCH # 2007031090) and certified by the City of Los Angeles Local Enforcement Agency on February 1, 2010 and re-certified on June 24, 2010.</p> <p>f. Based on the Transfer/Processing Report (TPR), dated April 2010, the LEA is satisfied that this facility will</p>

		provide measures to adequately control noise levels, gas/odor nuisances, traffic congestion, litter nuisances, and vector controls such that there will be no significant impact on the local residences.
15. Documents	There were no documents listed on the current temporary permit.	<p>Transfer/Processing Report, April 2010</p> <p>Environmental Impact Report (SCH # 2007031090) Certified February 1, 2010 and re-certified on June 24, 2010</p> <p>Conditional Use Permit (CUP) Case No. ZA 98-0427 (CUZ) Approved January 25, 1999</p> <p>Stipulated Final Judgment (Case No. BC319009) Filed July 29, 2004</p> <p>Identification in Non-Disposal Facility Element December 2002</p> <p>Finding of Conformance - LA Co SWTF - Date N/A</p> <p>Local & County Ordinances, Municipal Code</p>
17. LEA Conditions	The operator shall comply with all the State Minimum Standards for solid waste handling.	<p>a) This facility shall comply with all State Minimum Standards for Solid Waste Handling and Disposal as specified in Title 14 and Title 27, California Code of Regulations (CCR).</p> <p>b) This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant to the <i>Public Resources Code, Section 21081.6</i>.</p> <p>c) The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to the <i>Public Resources Code 21081.6</i>.</p> <p>d) Information concerning the design and operation of this facility shall be furnished, in a timely manner, on request by the LEA.</p> <p>e) The operator shall maintain a copy of this permit and TPR at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel.</p> <p>f) The LEA reserves the right to suspend, modify or revoke this permit when deemed necessary due to an emergency, a potential health hazard, the creation of a public nuisance or failure to pay LEA fees.</p> <p>g) The operator shall notify the LEA, in writing, of any proposed significant changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LEA a notice of said changes at least 180 days before said</p>

		<p>changes are undertaken, and those changes are approved by the LEA. Any significant change as determined by the LEA would require a revision of this permit.</p> <p>h) A summary of all pilot projects must be submitted to the LEA in writing prior to the implementation of that pilot project. The LEA must approve all pilot projects before they can be implemented.</p> <p>i) The permitted daily capacity of this facility has been determined to be 1,500 tons per day, which shall consist of 1,000 tpd of municipal solid waste and 500 tpd of construction and demolition, inert debris.</p> <p>j) The operator shall comply with all conditions and requirements as approved by the TPR.</p> <p>k) The operator shall not expand facility operations above those permitted by the temporary permit and associated facility plan until such time that buildings, included the associated environmental mitigation requirements are constructed in accordance with applicable local permits, approvals, and regulations.</p> <p>l) The operator shall comply with all of the requirements of all applicable laws pertaining to employee health and safety.</p> <p>m) The operator shall supply site employees with a lunch room and restroom facilities within a building.</p> <p>n) All processing of material and wastes shall occur inside the buildings.</p> <p>o) The operator shall restrict the unloading area to as small an area that is practicable, provide adequate control of windblown material, minimize the propagation of flies, rodents and other vectors and the creation of nuisances resulting from solid wastes being handled at the facility.</p> <p>p) All recyclables shall be stored within designated areas in a neat and orderly manner so as not to generate litter, harbor vectors or pose a nuisance.</p> <p>q) The site must be supervised by trained individuals with relevant experience at all times during operating hours. Supervisors and managers must have the authority to commit company resources to resolve emergency and non-emergency health, safety and environmental issues, if such action is necessary to protect the health and safety of site employees and the nearby community.</p> <p>r) The operator shall maintain, at the facility, accurate <u>daily</u> records of the weight and/or volume of refuse received. These records shall be made available to the LEA's personnel and to the CalRecycle personnel for inspection and shall be maintained on site for a period of at least three years.</p>
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		<p>s) The operator shall comply with the established Litter Control Program. This program includes tarping requirements, containment of litter, site and facility clean-up and monitoring procedures. It is the responsibility of the operator to keep Pendleton Street one block from the entrance used for ingress and egress free of litter and debris resulting from the facility operation.</p> <p>t) The operator must provide additional dust and odor control measures and other environmental and health/safety measures upon the request of the LEA, if such measures as provided in the TPR prove to be inadequate.</p> <p>u) Noise levels at the property boundaries shall be minimized and in conformance with Chapter XI - Noise Regulations of the Los Angeles City Municipal Code.</p> <p>v) The operator shall provide daily sweeping of the entire transfer facility and all wastes shall be removed from the facility within 48 hours of acceptance. If water is used as the cleaning agent, runoff from such wash downs shall not leave the site.</p> <p>w) The operator shall provide sufficient queuing space onsite for all solid waste collection vehicles. Queuing of vehicles is prohibited on Pendleton Street.</p> <p>x) Operational controls shall be established to preclude the receipt and disposal of hazardous waste and volatile organic chemicals or other types of prohibited wastes. The operator shall comply with the approved Hazardous Waste Load Checking Program. Any changes in this program must be approved by the LEA prior to implementation. The following Solid Waste Facility Permit conditions supplement those conditions.</p> <p>(1) The minimum number of random waste vehicle loads to be inspected daily at this facility is two (2). One of the randomly selected loads shall come from the MRF/Transfer Station area and one of the randomly selected loads shall come from the construction and demolition area. The LEA reserves the right to increase the required number of incoming waste load inspections.</p> <p>(2) The personnel training and load check procedures necessary for the program must be submitted and approved by the LEA. Visual inspections are to be performed by trained spotters and equipment operators. The LEA must review and approved this program and operation. Additional measures may be required upon the request of the LEA.</p> <p>(3) In the event that hazardous or suspected hazardous wastes are brought into the facility, the operator is required to follow procedures for obtaining information, notification, handling and disposal as outlined in the approved Load Check Program.</p> <p>(4) Suspected hazardous waste must be properly labeled and stored in the hazardous waste containment area, if they are stored overnight.</p> <p>(5) It is the responsibility of the facility operator to</p>
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		<p>dispose of any prohibited materials (hazardous or suspected hazardous materials, liquid, sludges, radioactive or medical wastes) in accordance with all local, state and federal regulations.</p> <p>(6) Incidents of unlawful disposal of prohibited materials shall be reported to the LEA monthly as described in the monitoring section of this permit. In addition, the following agencies shall be notified immediately, after each occurrence, if applicable, of any incidents of illegal hazardous materials disposal:</p> <p>I. Los Angeles County Fire Prevention Bureau, Hazardous Materials Division</p> <p>II. Environmental Crimes Division, L.A. County District Attorney</p> <p>III. California Highway Patrol</p> <p>y) The operator shall maintain a daily log of special/unusual occurrences. If there are no special occurrences for a given day, that day's entry shall read "none". This log shall include, but are not necessarily limited to:</p> <p>Any loads refused entry into the facility, potentially live ammunition, fires, explosions, earthquakes, discharge of hazardous liquids or gases to the ground or the atmosphere, or significant injuries, accidents, or property damage.</p> <p>Each of these log entries shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencies' personnel. Any of these specified entries made in this log must be promptly reported to the LEA. Only authorized personnel can make entries into this log. A summary of the Log of Special Occurrences shall be submitted to the LEA in an Annual Report. If a situation arises that cannot be handled by facility personnel, then call 911 or another outside emergency agency, as appropriate. The LEA shall be notified immediately after the appropriate outside emergency agency has been notified.</p>
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Findings:

Staff recommends concurrence with the issuance of the proposed new Solid Waste Facilities Permit. All of the required submittals and findings required by CCR 27 Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the WCMP.

CCR 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 11, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR 27 Sections	Findings	
21685(b)(2) LEA Five Year Permit Review	The LEA is not required to complete a Five Year Permit Review at this time because the facility has only been operating under a Temporary SWFP since July 16, 2008.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed new Solid Waste Facilities Permit on June 15, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on June 10, 2010 provided a finding that the facility is consistent with PRC 50001. WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the WCMP staff memorandum dated June 17, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 23, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on June 15, 2010, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The informational meeting notice was mailed to interested parties, residents and businesses within 1 mile of the facility and also on the LEA and Department websites. An Informational Meeting was held on May 20, 2010, at the facility. The operator mailed a newsletter to interested parties after the informational meeting was held. Several written and oral comments were received by the LEA and WCMP staff and are outlined below. On June 21, 2010, the Department held a workshop to provide an update on the permitting process to interested parties.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed new Solid Waste Facilities Permit. WCMP	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR 27 Sections	Findings	
	staff has determined that the environmental document prepared by the lead agency is sufficient for the Department's use in its consideration of the proposed Solid Waste Facilities Permit and can be used to support the Deputy Director's action on the proposed new permit. See details below.	

Compliance History:

WCMP staff in the Compliance, Evaluation, and Enforcement Division (CEED), along with LEA and Permitting and LEA Support (PLEAS) staff conducted a pre-permit inspection at the subject facility on June 23, 2010. CEED staff found that the design and operations of the facility were consistent with the applicable State Minimum Standards. The facility operations were also in conformance with the terms and conditions of the existing Temporary Permit.

Athens Sun Valley MRF is an existing materials recovery facility that has been operating continuously since the early 1990's. The facility is required to obtain a SWFP because the volume of unmarketable residual materials exceeds 10 percent of the material coming into the facility. Currently, the facility operates under a temporary permit pursuant to AB 1473.

The LEA has not noted any violations of State Minimum Standards or permit requirements during the last two years of operating under a temporary permit.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, the significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the LEA, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The City of Los Angeles Environmental Affairs Department, the LEA for the City of Los Angeles, proposed a Solid Waste Facilities Permit for concurrence by the California Integrated Waste Management Board, the Department's predecessor agency, in 2006. That proposed permit was generally similar to the permit presently under consideration. The City of Los Angeles Planning Department, acting as Lead Agency, prepared the following environmental document for the American Waste Industries facility (aka Athens Sun Valley Materials Recovery Facility): a Mitigated Negative Declaration, State Clearinghouse No. 2005011080, which was circulated for a 30 day review period from January 18, 2005 through February 16, 2005. Before the Board acted on the proposed permit, the LEA and the operator withdrew the proposed permit from the Board's consideration.

The Athens facility currently operates under a Temporary Solid Waste Facilities Permit, issued by the LEA on July 16, 2008. The proposed Solid Waste Facilities Permit presently under consideration is for the expansion of the existing facility into a Large Volume Transfer/Processing Facility that will integrate the existing construction and demolition waste

processing and recycling operation into an overall multi-purpose materials recovery facility/transfer station facility that will also have the expanded capability of processing and recovering recyclables from mixed use municipal solid waste, from commingled source separated recyclables, from materials separated for reuse, and from "high fiber/dry routes". The existing facility has a Temporary Solid Waste Facilities Permit to process 400 tons per day of Construction and Demolition Waste. Under the proposed Solid Waste Facilities Permit, the facility will be authorized to process 1500 tons per day, consisting of not more than 1000 tons per day of Municipal Solid Waste and not more than 500 tons per day of Construction and Demolition Debris and Inert Debris. The site is zoned M2-1G, is 4.9 acres in size and is fully developed. The proposed expansion of the facility will include the construction of two buildings where the waste materials and recyclables will be processed.

The City of Los Angeles, Environmental Health Department, Local Enforcement Agency, acting as Lead Agency under CEQA, prepared the following environmental documents for the current project, the issuance of a Solid Waste Facilities Permit for the Athens Sun Valley Materials Recovery Facility: a Draft Environmental Impact Report, State Clearinghouse No. 2007031090, which was circulated for a 90 day extended review period from September 26, 2008 through December 24, 2008, and a Final Environmental Impact Report (the "EIR") which was certified on February 1, 2010 by the LEA and re-certified on June 24, 2010. CEQA Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program were adopted by the LEA on June 24, 2010. (The LEA's Notice of Intent To Issue Solid Waste Facilities Permit under Public Resources Code Section 44014(a) ["Notice of Intent"] is attached and is incorporated herein. The Notice of Intent includes the LEA's CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.) The Department staff considered the environmental effects of the project as set out in the EIR in reaching its recommendation that the Department concur in the proposed Solid Waste Facilities Permit for the Athens Sun Valley Materials Recovery Facility.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the EIR prepared by the LEA in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed Solid Waste Facilities Permit. Department staff has reviewed and considered the CEQA Findings adopted by the LEA and submitted with the Notice of Intent. The CEQA Findings demonstrate that, with respect to each of the project's significant environmental effects, the LEA required changes to the project to avoid or substantially lessen the significant environmental effect. The conditions the LEA imposed on the project will accomplish the desired avoidance or substantial lessening of the significant effects. Department staff recommends that the Department adopt the LEA's CEQA Findings as its own.

Notwithstanding the conditions and mitigation measures imposed by the LEA, however, there remain certain environmental effects that cannot be avoided or substantially lessened. The EIR identified significant and unavoidable environmental impacts resulting from the project, individually and cumulatively, to Air Quality for NO_x and VOCs and cumulatively to Traffic. The LEA determined that the specific benefits of the project outweigh its unmitigatable and unavoidable adverse environmental effects, as set out in the Statement of Overriding Considerations it adopted. There are no additional mitigation measures that are within the Department's authority that it can impose on the project that will result in the avoidance or substantial lessening of the project's remaining environmental impacts. On June 24, 2010, the LEA adopted a Statement of Overriding Considerations (attached) for the significant Air Quality impacts, both individually and cumulatively, and for the significant cumulative Traffic impacts.

The Statement of Overriding Considerations memorializes the LEA's determination that the project benefits outweigh its adverse environmental impacts. The benefits from the issuance of the Solid Waste Facilities Permit and the subsequent expansion of Athens Sun Valley MRF include:

- The project will result in the recovery and recycling of up to 1,000 tons per day of municipal solid waste which would otherwise be disposed in local landfills and contribute to the generation of methane, a green house gas. As documented in the EIR, when compared to the 400 tpd baseline, the project would result in a net decrease of 151,640 metric tons per year of CO2 equivalent emissions.
- By providing both C&D and MSW diversion capacity, the project is beneficial in increasing the infrastructure needed for the City to achieve and maintain the 50% diversion requirement of AB 939 and the 70% diversion objective of the City of Los Angeles. Currently, there is limited MSW excess diversion capacity in the immediate vicinity of the project site. The only two existing MSW MRFs near the project site are the Sun Valley Paper facility and the Community Recycling Facility, both of which accept a throughput near their current permit limits. The availability of excess capacity at these sites does not significantly offset the capacity provided by this project. On the other hand, there are three proposals to increase MSW processing capacity within blocks of the project site. These proposals are a reflection of the market demand to provide additional MRF capacity to meet the needs of the City in the future.
- The City of Los Angeles, Bureau of Sanitation is currently implementing a program to develop conversion technology projects as alternatives to landfills. For some of these technologies, it will be necessary to pre-process MSW by routing it through a MSW MRF such as this project. Given the citywide and localized shortage of MSW MRFs, this MRF could be used in conjunction with a compatible conversion technology project.
- Under existing conditions, C&D processing operations are conducted outdoors. Under wet weather conditions, C&D materials are exposed to rainfall which is reflected in the runoff quality from the project site. With the project, C&D processing operations will be moved indoors resulting in a commensurate improvement in surface runoff quality. Compared to existing conditions, proposed C&D operation within a structure will result in decreased noise, odor and dust.
- The project will support and implement a host of adopted City Plans, Policies and Ordinances including, without limitation, The General Plan of the City of Los Angeles, the Sun Valley-La Tuna Canyon Community Plan, the San Gabriel/Verdugo Mountains Preservation Specific Plan and various provisions of the City of Los Angeles Municipal Code. In addition, the project is consistent with the South Coast Air Quality Management District's 2007 Air Quality Management Plan and the Los Angeles County Congestion Management Program.
- The project will create 37 new permanent jobs and additional construction jobs. In view of the current unemployment rate in Los Angeles County, the job creation aspect of the project is not considered substantial, but it is certainly beneficial.
- The project will result in an annual increase of approximately \$65,000 in property tax revenues.

Before concurring on this permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for concurring in the proposed Solid Waste Facilities Permit notwithstanding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by LEA to the extent the unavoidable significant environmental effects of the Project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its statutory authority.

Department staff further recommends the EIR, together with the CEQA Findings and the Statement of Overriding Considerations, is adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the EIR, the Notice of Intent, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were adequately noticed consistent with the CEQA and Solid Waste Facilities Permit requirements. A review of the public process indicates that environmental justice issues were not identified by the surrounding community. Census information (zip code 91352) from the vicinity of the facility indicates that the surrounding population is approximately 49.3% White, 1.6% African American, 1.0% Native American, 6.2% Asian, 0.2% Pacific Islander, 36.5% reported as some other race and 5.2% reported as two or more races. 70.1% of the total population described themselves as Hispanic or Latino. 17.6% of the families are below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The LEA held a public informational meeting on May 10, 2010, at the John H. Francis Polytechnic High School Auditorium. The deadline for community comment letters was extended until May 28, 2010. The LEA received several comments in opposition to the permitting of Athens Sun Valley MRF. The comments in part addressed:

- Noticing and Location of May 10, 2010 Meeting
- Fast Tracking of the Project Review
- Establishment of a Process and Time Period for a Community Advisory Committee
- Fundamental Issue - Processing of MSW
- False Deadlines and Pressure Tactics by the Applicant
- Lack of Responsiveness to Public Comments on the EIR
- Planning and Zoning

In addition to the LEA public informational meeting, CalRecycle Staff from the Waste Compliance and Mitigation Program held a public workshop on June 21, 2010, at the CAL/EPA building in Sacramento. Attendees of the meeting included 8 staff members from CalRecycle, 2 representatives from Athens Services, and 7 people, 3 of which made comments, participated in the meeting via teleconference. Comments referenced in the May 10 meeting were addressed again. The comments in part addressed:

- Lack of Host Fees
- Truck Routes and Driver Education
- Landscaping and Lighting
- Street Sweeping
- Lack of a Promised Community Advisory Committee
- Queuing of Hauler Trucks on the Street
- A Request for Restricted Operating Hours
- Conditional Use Permit Interpretation
- CEQA Analysis
- Possibility of Extending the Temporary Permit past June 30, 2010
- Enforceability of Conditions
- Plan Approval by Zoning Administrator
- Road Maintenance
- Land Use
- Proper Noticing
- Not looking at Waste Management's requirements for their site at Bradley Landfill
- History does not support expansion
- PRC 43020 – Handling and Disposal Standards
- 27CCR 21660.2(b) – Informational Meeting
- 27CCR 21660.3(b) – Noticing of Informational Meeting

Staff have reviewed the comments received and have determined that they raise issues and concerns that are either not within the responsibility and authority of CalRecycle pursuant to PRC 44009 to address, or that they have been adequately addressed by the LEA in their permit and supporting permit package documents provided by the LEA.

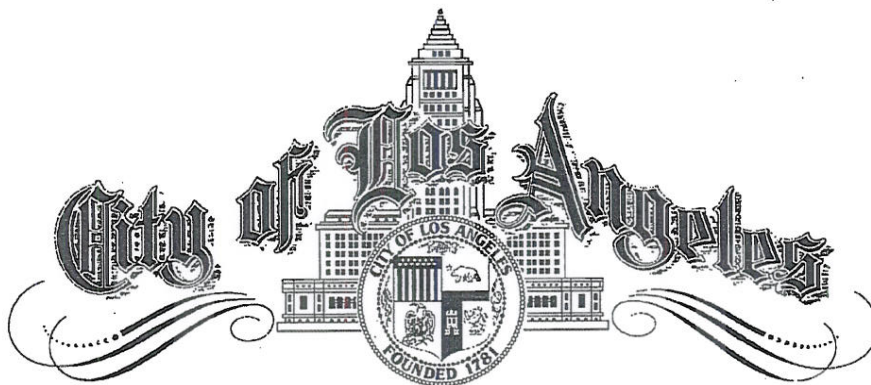
The public comment letters that have been received by the Department are maintained in the facility files maintained by the WCMP.

Department Staff Actions:

PLEAS staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending public meetings. On June 21, 2010, the Department held a workshop to provide an update on the permitting process to interested parties.

Attachment: LEA memo dated June 24, 2010: Notice of Intent to Issue Solid Waste Facilities Permit under Public Resources Code Section 44014(a)

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Via Overnight Mail and Electronic Mail

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Re: Athens Sun Valley Materials Recovery Facility (SWIS No. 19-AR-5581)
Solid Waste Facility Permit Project ("SWFP Project")

Dear Mr. Bledsoe:

As legal counsel to the City of Los Angeles, Local Enforcement Agency (LEA), the LEA hereby submits to you further information regarding the LEA's California Environmental Quality Act compliance with respect to the Athens SWFP Project. Enclosed please find the CEQA Findings, Statement of Overriding Consideration, and Mitigation Monitoring and Reporting Program for review and concurrence by CalRecycle. Please let me know if you have any questions or comments.

Sincerely,

SIEGMUND SHYU
Deputy City Attorney

Enclosures

Cc: Detrich Allen, LEA (via email: Detrich.Allen@lacity.org)
Wayne Tsuda, LEA (via email: wayne.tsuda@lacity.org)
Beth Jines, LEA (via email: beth.jines@lacity.org)
David Thompson, LEA (via email: david.thompson@lacity.org)
Amy Forbes, Counsel to Athens (via email: aforbes@gibsondunn.com)

CEQA Statement of Overriding Considerations

INTRODUCTION

This statement of overriding considerations is made pursuant to the California Environmental Quality Act (Pub. Res. Code Section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15000 et seq.) by the City of Los Angeles, EnvironmentLA Department (ELA), acting in its capacity as the Local Enforcement Agency (LEA), in connection with the processing of a Solid Waste Facility Permit (SWFP) and related approvals in connection with construction of a Materials Recovery Facility/Transfer Station (TS) building, in which municipal solid waste would be recycled and transferred; and construction of a building in which to process and recover C&D materials, all as analyzed in the Environmental Impact Report (EIR) for the Athens Sun Valley Materials Recovery Facility, EIR SCH # 2007031090. The LEA is the CEQA lead agency for this project.

This statement of overriding considerations is based on substantial evidence in the entire administrative record.

PROJECT DESCRIPTION

The Athens Sun Valley Materials Recovery Facility (ASVMRF) is located on an approximately 4.9 acre (gross) parcel in the Sun Valley community within the San Fernando Valley portion of the City of Los Angeles. The facility would process a total of 1,500 tons of solid waste and recyclables per day. Of the total, 1,000 tons per day (tpd) would be municipal solid waste (MSW) and 500 tpd would be construction and demolition (C&D) materials. MSW and C&D would be processed in separate enclosed buildings. The facility currently processes approximately 400 tpd of C&D materials and operates under Conditional Use Permit (CUP) (ZA 98-0427) issued in January 1999, which permits the establishment, use and maintenance of a Recycling Materials Process and Sorting Facility (Recycling Center) for mixed waste, construction and demolition waste for purpose of depositing, sorting, processing and transfer a maximum of 1,500 tpd of solid waste, in the M2-1G Zone. The facility also operates in accordance with a Temporary Solid Waste Facility Permit issued May 11, 2008.

Following are the major components of the Project:

Recovery operations, for both C&D and MSW, will take place in enclosed and covered buildings with misting and forced air ventilation systems.

The size of proposed buildings and site activities include:

Transfer Station Building/MRF Building	44,200 square feet
C&D Processing Building	18,045 square feet
Landscaping	5,026 square feet

No change in the hours of operation is proposed. In accordance with the existing CUP, the facility will operate from 7 AM to 8 PM daily.

A 20 kilowatt solar power system will be constructed on the site to provide a portion of the electrical demand for the project.

In accordance with the State Minimum Standards for Operating C&D and MRF/Transfer Stations, the following environmental control measures will be implemented:

Hazardous Materials: A load check program will be implemented to randomly check one C&D load per day and one MRF/Transfer load per day. Any small quantities of household hazardous waste (HHW) detected in incoming loads will be brought to the existing on-site HHW storage container, segregated by class and manifested in accordance with Federal and State regulations. Only employees with proper training will handle HHW. A spill response kit will be located in the storage container to include absorbent material, brooms, shovels, 55-gallon drums, protective gloves, clothing, boots, goggles and respiratory equipment.

Odor Control: Odor control will be achieved by moving operations indoors within enclosed buildings with forced air ventilation systems. In addition, odors will be limited by the use of an odor neutralizer as part of the misting system and removal of any non-salvageable waste within 48 hours of its receipt on a first-in, first-out basis.

Dust Control: Dust control will be achieved by moving operations indoors within fully enclosed buildings with manual and automatic misting systems. In addition, an automatic sweeper will be used to clean the tipping floors, outside the buildings and around the perimeter of the facility on a daily basis.

Litter Control: Litter control will be achieved by moving operations indoors within fully enclosed buildings. In addition, a cleanup crew will be assigned to maintain the facility and the ingress/egress street free of litter on a daily basis. All transfer vehicles and trucks utilizing the facility will be required to be covered to prevent material from blowing from vehicles.

Vector Control: Moving operations indoors will incrementally reduce the attraction and access of rodents, birds and insects to refuse at the existing facility. In addition, any non-salvageable waste will be loaded into transfer trailers and removed from the site within 48 hours on a first-in, first-out basis. Athens will contract with a vector control company to eliminate potential vectors on an as-needed basis.

Air Quality Control: To reduce air emissions, the applicant will comply with South Coast Air Quality Management District (SCAQMD) requirements to install particulate traps on their refuse collection vehicles. To further mitigate air quality impacts, Athens will implement a fleet replacement plan to

replace all diesel-powered vehicles, weighing 57,000 pounds or more, within ten years at a rate of ten percent per year. Athens will also offer an incentive of \$2.50 per ton reduction on tipping fees paid by Non-Athens alternative, clean air fuel vehicles that utilize the facility.

ABSENCE OF SIGNIFICANT NEW INFORMATION IN APPROVING THE PROJECT

In approving the project, the lead agency finds that the Final EIR incorporates information obtained and produced after the Draft EIR was completed, and that the FEIR contains additions, clarifications, and modifications. In addition the LEA held an informational meeting concerning the proposed SMFP on May 10, 2010 at which time additional public input was obtained. The LEA has independently reviewed and considered the Final EIR and all of this information prior to making a decision as to whether to approve the project. In approving the project the lead agency further incorporates by reference the updated Findings made in approving this project.

With respect to the project, the LEA further finds that none of the circumstances requiring preparation of a subsequent or supplemental EIR are present in that there are (1) no substantial changes proposed in the project that requires major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) there are no substantial changes with respect to the circumstances under which the project is undertake that will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified that shows any of the following:

The project will have one or more significant effects not discussed in the EIR;

Significant effect previously examine will be substantially more severe than shown in the EIR;

Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project but the project proponents decline to adopt the mitigation measure or alternative; or

Mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

MITIGATION MEASURES, CONDITIONS OF APPROVAL, AND MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code section 21081.6 and CEQA Guidelines Section 15097 require the lead agency to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Mitigation Monitoring and Reporting Program ("MMRP") is attached. The MMRP satisfies the requirements of CEQA.

The mitigation measures set forth in the MMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Los Angeles, LEA, the applicant, and/or other identified public agencies of responsibility. As appropriate, some mitigation measures define performance standards to ensure no significant environmental impacts will result. The MMRP adequately describes implementation procedures, monitoring responsibility, and compliance schedule for all mitigation measures. The LEA has adopted and imposed all the mitigation measures as set forth in the MMRP as enforceable conditions of approval. Implementation of these measures is intended to substantially lessen the significant impacts of the project.

The mitigation measures incorporated into and imposed upon the Project approval will not have new significant environmental impacts that were not analyzed in the EIR. In the event a mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the MMRP, that mitigation measure is adopted and incorporated from the EIR into the MMRP by reference and adopted as a condition of approval.

STATEMENT OF OVERRIDING CONSIDERATIONS

The LEA finds that the Project provides the best balance between the project sponsor's objectives, the LEA's goals and objectives, the project's benefits as described in this Statement of Overriding Considerations, and mitigation of environmental impacts to the extent feasible. The other alternatives proposed and evaluated in the EIR are rejected for the reasons stated in the EIR and the Findings regarding certification of the Final EIR and approval of the project and elsewhere in the record. Each individual reason provided constitutes a separate and independent basis to reject the project alternative as being infeasible, and, viewed in combination, provide separate bases for rejecting the alternative as being infeasible.

To the extent that any adverse impacts remain after incorporation of all feasible mitigation measures or conditions of approval, such effects are hereby found acceptable due to the overriding concerns, as specified in this Statement of Overriding Considerations. The LEA finds that, notwithstanding the imposition of all feasible mitigation measures and alternatives, significant impacts will remain significant and unavoidable, and, in accordance with CEQA Guidelines Section 15092(b)(2)(B), such remaining impacts are acceptable to the overriding considerations described herein. In accordance with CEQA Guidelines Section 15093, the LEA hereby finds that each of the specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations.

The project will result in the recovery and recycling of up to 1,000 tons per day of municipal solid waste which would otherwise be disposed in local landfills and contribute to the generation of methane, a green house gas. As documented in the EIR, when compared to the 400 tpd baseline, the project would result in a net decrease of 151,640 metric tons per year of CO₂ equivalent emissions.

By providing both C&D and MSW diversion capacity, the project is beneficial in increasing the infrastructure needed for the City to achieve and maintain the 50% diversion requirement of AB 939 and the 70% diversion objective of the City of Los Angeles. Currently, there is limited MSW excess diversion capacity in the immediate vicinity of the project site. The only two existing MSW MRFs near the project site are the Sun Valley Paper facility and the Community Recycling Facility, both of which accept a throughput near their current permit limits. The availability of excess capacity at these sites does not significantly offset the capacity provided by this project. On the other hand, there are three proposals to increase MSW processing capacity within blocks of the project site. These proposals are a reflection of the market demand to provide additional MRF capacity to meet the needs of the City in the future.

The City of Los Angeles, Bureau of Sanitation is currently implementing a program to develop conversion technology projects as alternatives to landfills. For some of these technologies, it will be necessary to pre-process MSW by routing it through a MSW MRF such as this project. Given the citywide and localized shortage of MSW MRFs, this MRF could be used in conjunction with a compatible conversion technology project.

Under existing conditions, C&D processing operations are conducted outdoors. Under wet weather conditions, C&D materials are exposed to rainfall which is reflected in the runoff quality from the project site. With the project, C&D processing operations will be moved indoors resulting in a commensurate improvement in surface runoff quality. Compared to existing conditions, proposed C&D operation within a structure will result in decreased noise, odor and dust.

The project will support and implement a host of adopted City Plans, Policies and Ordinances including, without limitation, The General Plan of the City of Los Angeles, the Sun Valley-La Tuna Canyon Community Plan, the San Gabriel/Verdugo Mountains Preservation Specific Plan and various provisions of the City of Los Angeles Municipal Code. In addition, the project is consistent with the South Coast Air Quality Management District's 2007 Air Quality Management Plan and the Los Angeles County Congestion Management Program.

The project will create 37 new permanent jobs and additional construction jobs. In view of the current unemployment rate in Los Angeles County, the job creation aspect of the project is not considered substantial, but it is certainly beneficial.

The project will result in an annual increase of approximately \$65,000 in property tax revenues.

Mitigation Monitoring and Reporting Program

Section 21081.6 of the Public Resources Code requires a lead agency to adopt a “reporting or monitoring program for the changes to the project or conditions of project approval, adopted in order to avoid significant effects on the environment” (Mitigation Monitoring and Reporting Program, Section 15097 of the CEQA Guidelines provides additional direction on mitigation monitoring or reporting).

This Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of all project mitigation measures which have been adopted in the EIR for the proposed Athens Sun Valley Material Recovery Facility. As shown on the following table, each required mitigation measure is listed with the party responsible for implementing the mitigation measure, the agency responsible for enforcing each measure and the timing for implementing each measure.

Mitigation Monitoring and Reporting Program

Introduction

Section 21081.6 of the Public Resources Code requires a lead agency to adopt a “reporting or monitoring program for the changes to the project or conditions of project approval, adopted in order to avoid significant effects on the environment” (Mitigation Monitoring and Reporting Program, Section 15097 of the CEQA Guidelines provides additional direction on mitigation monitoring or reporting).

This Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of all project mitigation measures which have been adopted in the EIR for the proposed Athens Sun Valley Material Recovery Facility. As shown on the following table, each required mitigation measure is listed with the party responsible for implementing the mitigation measure, the agency responsible for enforcing each measure and the timing for implementing each measure.

The City of Los Angeles, EnvironmentLA Department (ELA) is the CEQA lead agency responsible for preparation of the Sun Valley Material Recovery Facility EIR and the State-designated Local Enforcement Agency (LEA) for the issuance of the Solid Waste Facility Permit (SWFP) which governs the design and operation of the proposed facility. If the SWFP is approved, implementation of this MMRP shall be a condition of approval of the SWFP.

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE ES-1
Mitigation Monitoring Program

Impact	Mitigation Measures	Implementation Responsibility	Implementation Oversight/Enforcement	Timing
AQ-6 and AQ-7	<ul style="list-style-type: none"> Implement feasible NOX emission reduction technologies, such as the Cleaire filter, to determine whether this would be an option for diesel-fueled trucks. 	<ul style="list-style-type: none"> Athens 	<ul style="list-style-type: none"> LEA 	<ul style="list-style-type: none"> Annual submittal of data showing feasibility of technologies by Athens to LEA.
	<ul style="list-style-type: none"> Maintain mobile equipment in tune with the manufacturer's specifications. 	<ul style="list-style-type: none"> Athens 	<ul style="list-style-type: none"> LEA 	<ul style="list-style-type: none"> On-going, records maintained for review by LEA.
	<ul style="list-style-type: none"> Maintain diesel-fueled collection and transfer trucks in tune with the manufacturer's specifications. 	<ul style="list-style-type: none"> Athens 	<ul style="list-style-type: none"> LEA 	<ul style="list-style-type: none"> On-going, records maintained for review by LEA.
	<ul style="list-style-type: none"> To the extent feasible, utilize alternative-fueled or electric mobile equipment. 	<ul style="list-style-type: none"> Athens 	<ul style="list-style-type: none"> LEA 	<ul style="list-style-type: none"> Annual submittal of data showing feasibility of technologies by Athens to LEA.
	<ul style="list-style-type: none"> Fleet Replacement Plan: Applicant will implement a program to replace its existing diesel truck fleet (trucks with a gross vehicle weight of 57,000 pounds or more) with alternative clean air fueled vehicles (powered by LNG, CNG, electric or other clean air vehicle as approved by SCAQMD or CARB). The applicant shall submit a truck replacement plan for review and approval by the City of Los Angeles, Environmental Affairs Department (EAD) which will include the following: Within ten years of the approval date of the Solid Waste Facility Permit, all vehicles (with a weight of 57,000 pounds or more) which utilize the proposed facility shall be powered by clean air fuels. To achieve fleet conversion, the applicant shall replace (or retrofit) ten percent of its diesel fleet per year until the entire fleet is converted. 	<ul style="list-style-type: none"> Athens 	<ul style="list-style-type: none"> LEA 	<ul style="list-style-type: none"> Submit initial replacement plan to LEA prior to construction. Annual submittal of data showing compliance with replacement rate of 10% per year.

TABLE ES-1
Mitigation Monitoring Program

Impact	Mitigation Measures	Implementation Responsibility	Implementation Oversight/Enforcement	Timing
	<ul style="list-style-type: none"> An incentive of \$2.50 per ton reduction on tipping fees shall be provided to non-Athens alternative, clean air fuel, vehicles (powered by CNG, LNG, electricity, or other alternative fuel) that utilize the facility. To the extent an area-wide plan to limit truck traffic in proximity to sensitive receptors is adopted by the City, the applicant will comply with said plan. 			
NOI-1	<ul style="list-style-type: none"> Construction contracts shall specify that all equipment must be equipped with mufflers and other applicable noise attenuation devices. Construction shall be restricted to the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and prohibited at anytime on Sunday or a Federal holiday. 	<ul style="list-style-type: none"> Athens oversight of construction contractors. Athens and Contractors 	<ul style="list-style-type: none"> LEA LEA 	<ul style="list-style-type: none"> LEA review of construction contracts, on-going review of compliance data submitted by contractors. Throughout construction period.
WAT-1	<ul style="list-style-type: none"> Compliance with NPDES requirements for construction: prepare and implement Construction Storm Water Pollution Prevention Plan (SWPPP) 	<ul style="list-style-type: none"> Athens 	<ul style="list-style-type: none"> LARWQCB and Bureau of Sanitation 	<ul style="list-style-type: none"> Prior to construction
WAT-2	<ul style="list-style-type: none"> Compliance with NPDES requirements for operation: prepare and implement SWPPP. 	<ul style="list-style-type: none"> Athens 	<ul style="list-style-type: none"> LARWQCB and Bureau of Sanitation 	<ul style="list-style-type: none"> Review by LEA of monitoring reports
Archaeology	<ul style="list-style-type: none"> Applicant shall halt construction and retain the services of a certified archaeologist to identify and ensure the proper disposition of any resources discovered during construction. 	<ul style="list-style-type: none"> Athens 	<ul style="list-style-type: none"> LEA 	<ul style="list-style-type: none"> Retain certified archaeologist prior to construction and utilize services, as needed, throughout

TABLE ES-1
Mitigation Monitoring Program

Impact	Mitigation Measures	Implementation Responsibility	Implementation Oversight/Enforcement	Timing
Paleontology	<ul style="list-style-type: none">Applicant shall halt construction and retain the services of a certified paleontologist to identify and ensure the proper disposition of any resources discovered during construction.	<ul style="list-style-type: none">Athens	<ul style="list-style-type: none">LEA	<ul style="list-style-type: none">Same as for archaeology. <p>construction period.</p>

CEQA FINDINGS IN ACCORDANCE WITH CEQA GUIDELINE SECTION 15090 AND 15091 FOR ATHENS SUN VALLEY MATERIALS RECOVERY FACILITY PROJECT

INTRODUCTION

These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code Section 21000 *et seq.*; "CEQA") and the CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15000 *et seq.*) by the City of Los Angeles, EnvironmentLA Department (ELA), acting in its capacity as the Local Enforcement Agency (LEA), in connection with the processing of a Solid Waste Facility Permit (SWFP) and related approvals in connection with construction of a Materials Recovery Facility/Transfer Station (TS) building, in which municipal solid waste would be recycled and transferred; and construction of a building in which to process and recover C&D materials, all as analyzed in the Environmental Impact Report (EIR) for the Athens Sun Valley Materials Recovery Facility, EIR SCH # 2007031090.

ELA, acting as the LEA, is the CEQA lead agency for this Project. The SWFP is a state permit pursuant to Cal. Pub. Res. Code Section 44001 *et seq.*, issued by ELA in its capacity as a City Council-designated, state-certified, LEA pursuant to Cal. Pub. Res. Code Section 43200 *et seq.* and Cal. Code Regs. tit. 17, sec. 18050 *et seq.* As such, ELA is carrying out state law, and is not acting as a local body or as a zoning or planning entity. The LEA Certified the Final EIR for the Athens Sun Valley Materials Recovery Facility on February 1, 2010. Per state law, the Certification comprised evidence of CEQA compliance so as to allow the lead agency to accept an application and determine whether to approve the Project.

These updated findings are being made in connection with the LEA's decision to approve the Project under CEQA, and are based on substantial evidence in the entire administrative record and references in these findings to specific reports or to specific pages of documents are not intended to identify those sources as the exclusive basis for the findings. The LEA certifies that it has independently reviewed and considered the information regarding the Project provided in the EIR, in the informational meetings held concerning the Project, and elsewhere in the record. The Final EIR and these findings reflect the LEA's independent judgment.

PROJECT DESCRIPTION

The Athens Sun Valley Materials Recovery Facility (ASVMRF) is located on an approximately 4.9 (gross) acre parcel in the Sun Valley community within the San Fernando Valley portion of the City of Los Angeles. The facility would process a total of 1,500 tons of solid waste and recyclables per day. Of the total, 1,000 tons per day (tpd) would be municipal solid waste (MSW) and 500 tpd would be construction, demolition and Inert materials (C&D). MSW and C&D would be processed in separate enclosed buildings. The facility currently processes approximately 400 tpd of C&D materials and operates under Conditional Use Permit (CUP) (ZA 98-0427) issued in January 1999, which permits the establishment, use and maintenance of a Recycling Materials

Process and Sorting Facility (Recycling Center) for mixed waste, construction and demolition waste for purpose of depositing, sorting, processing and transfer a maximum of 1,500 tpd of solid waste, in the M2-1G Zone. The facility also operates in accordance with a Temporary Solid Waste Facility Permit.

Following are the major components of the Project:

Recovery operations, for both C&D and MSW, will take place in enclosed and covered buildings with misting and forced air ventilation systems. The size of proposed buildings and site activities include:

Transfer Station Building/MRF Building	44,200 square feet
C&D Processing Building	18,045 square feet
Landscaping	5,026 square feet

- No change in the hours of operation is proposed. In accordance with the existing CUP, the facility will operate from 7 AM to 8 PM daily.
- A 20 kilowatt, or greater, solar power system will be constructed on the site to provide a portion of the electrical demand for the Project.
- In accordance with the State Minimum Standards for Operating C&D and MRF/Transfer Stations, the following environmental control measures will be implemented:
 - Hazardous Materials: A load check program will be implemented to randomly check one C&D load per day and one MRF/Transfer load per day. Any small quantities of household hazardous waste (HHW) detected in incoming loads will be brought to the existing on-site HHW storage container, segregated by class and manifested in accordance with Federal and State regulations. Only employees with proper training will handle HHW. A spill response kit will be located in the storage container to include absorbent material, brooms, shovels, 55-gallon drums, protective gloves, clothing, boots, goggles and respiratory equipment.
 - Odor Control: Odor control will be achieved by moving operations indoors within enclosed buildings with forced air ventilation systems. In addition, odors will be limited by the use of an odor neutralizer as part of the misting system and removal of any non-salvageable waste within 48 hours of its receipt on a first-in, first-out basis.
 - Dust Control: Dust control will be achieved by moving operations indoors within fully enclosed buildings with manual and automatic misting systems. In addition, an automatic sweeper will be used to clean the tipping floors, outside the buildings and around the perimeter of the facility on a daily basis.
 - Litter Control: Litter control will be achieved by moving operations indoors within fully enclosed buildings. In addition, a cleanup crew will be assigned to maintain the facility and the ingress/egress street free of litter on a daily basis.

All transfer vehicles and trucks utilizing the facility will be required to be covered to prevent material from blowing from vehicles.

- **Vector Control:** Moving operations indoors will incrementally reduce the attraction and access of rodents, birds and insects to refuse at the existing facility. In addition, any non-salvageable waste will be loaded into transfer trailers and removed from the site within 48 hours on a first-in, first-out basis. Athens will contract with a vector control company to eliminate potential vectors on an as-needed basis.
- **Air Quality Control:** To reduce air emissions, the applicant will comply with South Coast Air Quality Management District (SCAQMD) requirements to install particulate traps on their refuse collection vehicles. To further mitigate air quality impacts, Athens will implement a fleet replacement plan to replace all diesel-powered vehicles, weighing 57,000 pounds or more, within ten years at a rate of ten percent per year. Athens will also offer an incentive of \$2.50 per ton reduction on tipping fees paid by Non-Athens alternative, clean air fuel vehicles that utilize the facility.

ENVIRONMENTAL REVIEW PROCESS

Sections 15085, 15086, and 15087 of the State CEQA Guidelines describe the requirements for circulation of a Draft EIR for public review. In accordance with these sections, the LEA filed a Notice of Completion (NOC) with the Governor's Office of Planning and Research (OPR) and simultaneously published a Notice of Availability (NOA) of a Draft EIR for the Project and posted both the NOC and NOA at the offices of the Los Angeles County Clerk. The filing of the NOC/NOA began an initial 60-day review period, subsequently extended to a 120-day review period for the Draft EIR. The review period commenced on September 26, 2008 and ended on January 26, 2009. During this review period, the Draft EIR was available for review at the following locations:

- Los Angeles Public Library, Sun Valley Branch, 7935 Vineland, California
- Los Angeles Public Library, Sunland-Tujunga Branch, 7771 Foothill Blvd, Tujunga, California
- City of Los Angeles, EnvironmentLA, Local Enforcement Agency Office, 200 N. Spring Street, Room 1905, Los Angeles, California

The Draft EIR was also available for public review on the Lead Agency's website: <http://www.environmentla.org>.

In addition, copies of the Draft EIR were provided to those parties who had previously requested copies and to a variety of potentially interested public agencies.

During the review period, Lead Agency held a public meeting to receive comments on the Draft EIR on November 12, 2008. At the request of many community members, the Project applicant held an additional meeting to discuss the Project on January 15, 2009. Both meetings were held at locations in proximity to the Project site. Comments on the Draft EIR were received at both meetings and are responded to in this Final EIR. In several respects the Project was modified in response to public input, including but not

limited to the provision of enhanced queuing areas, and an increase in the commitment to provide solar power.

After the EIR comment period ended, the LEA prepared responses to comments as required by CEQA and made clarifications and other minor changes to the Draft EIR. The responses to comments, clarifications/changes to the Draft EIR and additional information were published in this Response to Comments document in November, 2009. The Draft EIR, and Responses to Comments document and all appendices thereto constitute the "FEIR" referenced in these findings, and hereby incorporated by reference in these findings. The LEA Certified the Final EIR for the Athens Sun Valley Materials Recovery Facility on February 1, 2010.

On April 6, 2010, the LEA received the application package for the SWFP. The LEA reviewed the application package materials for compliance with the solid waste facility permits requirements found in Title 14 of the California Code of Regulations and on May 6, 2010 determined that the application was complete and correct and ready for filing. On April 30, 2010, written notice (in Spanish and English) of an informational meeting to be held on the SWFP application on May 10, 2010 was mailed to all properties within one mile of the facility, the area's elected officials, and to the parties on the interested parties list compiled from previous meetings. A secondary follow-up notice was sent through an e-mail to interested parties. In addition, following the May 10 meeting, the LEA extended the time period for comments on the application until May 28, 2010, thus providing almost 15 business days from the informational meeting for further public input. The LEA has reviewed the comments and concerns expressed at the May 10 meeting and afterward, and has determined that no new environmental issues were raised.

ADMINISTRATIVE RECORD

The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

- The FEIR and all documents referenced in or relied upon by the FEIR.
- All information (including written evidence and testimony) presented to the Lead Agency by the environmental consultant and traffic consultant who prepared the FEIR or incorporated into the EIR.
- All final applications, letters, testimony and presentations presented by the Project sponsor and its consultants to the City in connection with the Project.
- All final information (including written evidence and testimony) presented at any City public hearing or workshop related to the Project and the EIR, including the November 12, 2008 meeting to accept comments on the DEIR and the additional meeting to discuss the Project and the EIR held on January 15, 2009, as well as the informational meeting on May 10, 2010.
- For documentary and information purposes, and for purposes of imposing, implementing and enforcing of all adopted mitigation measures, conditions of approval and Project components, all City-adopted land use plans and

ordinances, including without limitation general plans, specific plans and ordinances(including, without limitation, the Los Angeles Municipal Code and Planning and Building Codes) together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area and all applicable state, federal and other laws, regulations, codes and requirements, as well as such materials as they relate to the 1999 CUP approved for the facility, together with subsequent letters interpreting the 1999 CUP, and various site plan approvals and sign-offs undertaken with reference to the 1999 CUP.

- The Mitigation Monitoring and Reporting Program for the Project, as attached hereto.
- All other documents composing the record pursuant to Public Resources Code section 21167.6(e).
- The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is Wayne Tsuda; City of Los Angeles, Lead Enforcement Agency c/o Department of Building and Safety, 3550 Wilshire Blvd., 18th Floor, Los Angeles, CA 90010. Such documents and other materials are located in the facility files located in the LEA office.

ABSENCE OF SIGNIFICANT NEW INFORMATION

In certifying this EIR the LEA finds that the Final EIR incorporates information obtained and produced after the Draft EIR was completed, and that the FEIR contains additions, clarifications, and modifications. The LEA has independently reviewed and considered the Final EIR and all of this information.

With respect to its approval of the Project, the LEA further finds that none of the circumstances requiring preparation of a subsequent or supplemental EIR are present in that there are (1) no substantial changes proposed in the Project that requires major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) there are no substantial changes with respect to the circumstances under which the Project is undertaken that will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified that shows any of the following:

- The Project will have one or more significant effects not discussed in the EIR;
- Significant effect previously examined will be substantially more severe than shown in the EIR;

- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project but the Project proponents decline to adopt the mitigation measure or alternative; or
- Mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

During the public review process there were additional concerns expressed with respect to the Project, but these do not rise to significant new information about the potential impacts of the Project. One objection raised was that the facility will be located on the “residential side” of Glenoaks Boulevard, “within 900 feet of a contiguous and dense residential community.” This is a factually incorrect statement. There is no “residential side” of Glenoaks. The property on which the facility is located is zoned M-2, as are all of the surrounding properties. As noted on the attached Zoning Area Map for the subject property generated from the City of Los Angeles Zoning Information and Map Access System, there are no areas zoned for residential use within a 1,000-foot radius of the project site. To the contrary, all of the land in or around the project area is zoned for manufacturing or parking uses. This is confirmed in the Findings of Fact found at page 8 of Conditional Use Permit (ZA 98-0427) issued in January 1999, where the zoning administrator provided detailed descriptions of all surrounding and adjoining properties without mention of any residential uses. Also, Response to Comments, Response R-16 references Figure 2-2 in the EIR, depicting the closest residential uses to the project site to be in the Stonehurst area (approximately 2,000 feet away) and on Elinda (also approximately 2,000 feet away). The nearest part of the Shadow Hills neighborhood is approximately 2,700 feet from the site.

Concern was expressed that the project description failed to include an adjacent piece of property also owned by the applicant. Response to Comments, Response R-1 addresses this concern, which refers to what is labeled the “truck maintenance/parking facility” in the final EIR. This area currently operates under a separate permit and inspection by the LEA. The project boundaries assessed by the EIR are based on issuance of a SWFP covering 4.9 gross acres. The truck parking/maintenance area has never been included in any project description for the site because (1) there are no physical improvements planned for the area and (2) operation of the area will continue independently of the proposed project and issuance of the SWFP.

MITIGATION MEASURES, CONDITIONS OF APPROVAL, AND MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code section 21081.6 and CEQA Guidelines Section 15097 require the lead agency to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Mitigation Monitoring and Reporting Program (“MMRP”) is attached to these Findings. The MMRP satisfies the requirements of CEQA.

The mitigation measures set forth in the MMRP are specific and enforceable and are capable of being fully implemented by the efforts of the LEA, the applicant, and/or other identified public agencies of responsibility. As appropriate, some mitigation measures define performance standards to ensure no significant environmental impacts will result. The MMRP adequately describes implementation procedures, monitoring responsibility, and compliance schedule for all mitigation measures.

The LEA hereby adopts and imposes all the mitigation measures as set forth in the MMRP as enforceable conditions of approval, as a condition of approval of the SWFP. Implementation of these measures is intended to substantially lessen the significant impacts of the Project.

The mitigation measures incorporated into and imposed upon the Project approval will not have new significant environmental impacts that were not analyzed in the EIR. In the event a mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the MMRP, that mitigation measure is adopted and incorporated from the EIR into the MMRP by reference and adopted as a condition of approval.

FINDINGS REGARDING IMPACTS

In accordance with Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 and 15092, the LEA adopts the findings and conclusions regarding impacts and mitigation measures that are set forth in the EIR and summarized in the MMRP. These findings do not repeat the full discussions of environmental impacts contained in the EIR. The LEA ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments and conclusions of the EIR. The LEA adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the Project sponsor as may be modified by these findings.

The LEA recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion may exist with respect to those issues. The LEA acknowledges that there are differing and potentially conflicting opinions regarding the Project. The LEA's review of the evidence and analysis presented in the record, gave a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the LEA to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

For this Project, the facility is already operating in accordance with an approved CUP, which allows a throughput of 1,500 tpd of recyclable materials. The potential environmental impacts associated with the 1500 tpd throughput were previously analyzed in a mitigated negative declaration that was prepared in support of the 1999 CUP approval.

To understand the important impacts from the Project in the context of the existing approvals, the EIR used two baselines. For each environmental impact topic (such as air quality or noise), the discussion of the environmental setting discusses Project impacts in terms of two baselines:

- Conditions related to processing 400 tpd of C&D as now occurs on the site. This baseline is referred to as the 400-tpd baseline throughout this EIR.
- The other baseline is referred to as the 1,500-tpd baseline. This baseline characterizes development in accordance with the Project's existing entitlements and the Mitigated Negative Declaration (MND) approved to allow for this throughput in 1999.

Because the facility has been operating at 400 tpd of C&D during the pendency of this environmental review, the LEA hereby finds and determines that the appropriate baseline for determination of impacts is 400 tpd, and these findings and the Statement of Overriding Considerations is with reference to that baseline.

IMPACTS FOUND NOT TO BE SIGNIFICANT

The LEA finds that impacts on agricultural resources, biological resources, population and housing, visual resources, land use, mineral resources, public services, green house gas/climate change, environmental justice and public utilities are not significant.

POTENTIALLY SIGNIFICANT BUT MITIGATABLE IMPACTS

Under Public Resources Code Section 21081(a)(1) and CEQA Guidelines Sections 15091(a)(1) and 15092(b), and as more fully described in the EIR and the MMRP, the LEA hereby finds that changes or alterations have been required in, or incorporated into, the components of the Project that substantially lessen or avoid (i.e., mitigate to a less-than-significant level) potentially significant effects on the environment. The LEA hereby finds, where feasible, all significant effects on the environment have been eliminated or substantially lessened to a less-than-significant level, as specified in CEQA Guidelines Section 15092(b)(2)(A).

Each of the following potentially significant impacts identified in the EIR will be reduced to a less-than-significant level through the implementation of Project mitigation measures, or where indicated through the implementation of standard conditions of approval (which are treated as mitigation measures and an integral part of the MMRP).

To the extent that any adverse impacts remain after incorporation of mitigation measures or conditions of approval, such effects are hereby found acceptable due to the overriding concerns, as specified the Statement of Overriding Considerations, as provided below. As specified in CEQA Guidelines 15091(a)(1), a brief explanation of the rationale for the finding that impacts will be substantially lessened or avoided with respect to each of these impacts is provided as follows:

Noise Impacts: The analysis of Project noise impacts shows that estimated impacts will be less than significant. However, the EIR concludes that the temporary nature of construction noise impacts and the implementation of the following mitigation measures will reduce construction noise to a less than significant level:

- Construction contracts shall specify that all equipment must utilize mufflers and other applicable noise attenuation devices.
- Construction shall be restricted to the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and prohibited at anytime on Sunday or a Federal Holiday.

Drainage/Hydrology Impacts: Construction of the project is expected to result in grading that can result in the release formerly sealed particles which are considered pollutants when discharged to the storm drainage system. Similarly, construction results in dust generation which may have an adverse storm water impact. These impacts will be temporary in nature. However, the EIR includes a mitigation measure to comply with National Pollutant Discharge Elimination System (NPDES) permitting requirements to reduce this impact to a less than significant level. The EIR also includes a mitigation measure to comply with NPDES to reduce potential Project-related storm water impacts to less than significant levels.

Cultural Resources: Although the Project site has been disturbed by previous land uses, the Project will result in repaving and grading that may result in the discovery of archaeological or paleontological resources during construction. The EIR includes the following mitigation measures to reduce these potential impacts to less than significant levels:

- Applicant shall halt construction and retain the services of a certified archaeologist to identify and ensure the proper disposition of any resources discovered during construction.
- Applicant shall halt construction and retain the services of a certified paleontologist to identify and ensure the proper disposition of any resources discovered during construction.

SIGNIFICANT BUT UNAVOIDABLE IMPACTS

Under Public Resources Code Sections 21081(a)(3) and 21081(b), and CEQA Guidelines Sections 15091, 15092, and 15093, and as more fully described in the in the EIR and the MMRP, the LEA finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible mitigation measures, as set forth below. The LEA also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given below. The LEA further finds that no additional feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts.

Project impacts--VOC and NOx emissions: When analyzed in relation to the 400 tpd baseline, the DEIR shows that VOC and NOx emissions will exceed the CEQA significance thresholds of the South Coast Air Quality Management District. The EIR identifies the following feasible mitigation measures to reduce these impacts:

- Implement feasible NOX emission reduction technologies, such as the Cleaire filter, to determine whether this would be an option for diesel-fueled trucks.

- Maintain mobile equipment in tune with the manufacturer's specifications.
- Maintain diesel-fueled collection and transfer trucks in tune with the manufacturer's specifications.
- To the extent feasible, utilize alternative-fueled or electric mobile equipment.
- Fleet Replacement Plan: Applicant will implement a program to replace its existing diesel truck fleet (trucks with a gross vehicle weight of 57,000 pounds or more) with alternative clean air fueled vehicles (powered by LNG, CNG, electric or other clean air vehicle as approved by SCAQMD or CARB). The applicant shall submit a truck replacement plan for review and approval by the LEA which will include the following: Within ten years of the approval date of the Solid Waste Facility Permit, all vehicles (with a weight of 57,000 pounds or more) which utilize the proposed facility shall be powered by clean air fuels. To achieve fleet conversion, the applicant shall replace (or retrofit) ten percent of its diesel fleet per year until the entire fleet is converted.
- To the extent an area-wide plan to limit truck traffic in proximity to sensitive receptors is adopted, the applicant will comply with said plan.

In addition, following further consideration of additional mitigation suggested in the comments during the public process, The LEA finds the following mitigation measure is feasible and should be implemented:

- An incentive of \$2.50 per ton reduction on tipping fees shall be provided to third-party alternative, clean air fuel, vehicles (powered by CNG, LNG, electricity, or other alternative fuel) that utilize the facility.

Even with the implementation of these mitigation measures, VOC and NOx emissions will not be reduced to less than significant levels. No other feasible mitigation measures were identified to reduce these impacts to less than significant levels. This unavoidable impact is considered acceptable due to reasons specified in the Statement of Overriding Considerations.

Cumulative Impacts--VOC and NOx emissions: The EIR identifies six related projects which will result in mobile source emissions that will be additive to the Project emissions described above. Accordingly, the EIR documents an unavoidable cumulative impact of VOC and NOx emissions. Because the implementation of feasible mitigation measures for these related projects is outside the authority of the EAD, these impacts cannot be reduced to a less than significant level. This unavoidable impact is considered acceptable due to reasons specified in the Statement of Overriding Considerations.

Cumulative Traffic Impacts: The traffic impact analysis incorporated into this EIR shows that Project impacts are not significant under both the 400 tpd and 1,500 tpd baselines. However, the analysis does show significant cumulative traffic impacts caused by related projects and ambient growth, whether or not the Project is approved.

In addition, the timing and certainty of some of the related projects is unknown. Specifically, one of the largest related projects is the Bradley Landfill. Since at the time the EIR was prepared it was not clear when or if the Bradley Landfill would be approved, the EIR conducted the cumulative impact analysis both assuming Bradley is approved, and assuming it is not. In doing the first analysis (which assumed that the Bradley Landfill moves forward), the traffic analysis added in the estimated traffic to be generated Bradley Landfill project (as specified in the Bradley EIR), and also assumed the implementation of the mitigation measures specified in the Bradley Landfill EIR. The second cumulative traffic analysis did not include any new trips from the Bradley Landfill, and assumed that none of the mitigation specified in the Bradley Landfill EIR would be implemented.

Under the 400 tpd baseline with the Bradley Project, significant cumulative impacts occur at the following intersections:

- San Fernando Road and Sheldon Street: AM Peak
- San Fernando Road and Tuxford Street: AM and PM peak
- Glenoaks Blvd and Tuxford Street: AM Peak
- Glenoaks and Pendleton Street: PM Peak
- Bradley Avenue and Penrose Street: AM and PM peak
- Interstate 5 southbound on/off ramp and Penrose Street: AM and PM Peak

Under the 400 tpd baseline without the Bradley Project, significant cumulative impacts occur at the following intersections:

- San Fernando Road and Sheldon Street: AM and PM Peak
- San Fernando Road and Tuxford Street: AM and PM peak
- Glenoaks Blvd and Tuxford Street: AM and PM Peak
- Glenoaks and Pendleton Street: PM Peak

As noted in the EIR these cumulative impacts happen *regardless of whether the Project is implemented*. Project specific traffic impacts under either baseline scenario would be less than significant. Under the 400-tpd baseline, the Project's contribution to traffic is minimal. As shown in EIR Table 3.6-17, the greatest increase in V/C at the most impacted intersection is half the increase considered significant. Nonetheless, to the extent the Project's negligible contribution is considered cumulatively significant, this unavoidable impact is considered acceptable for the reasons specified in the Statement of Overriding Considerations.

FINDINGS REGARDING ALTERNATIVES

The LEA finds that specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project.

The EIR evaluated a reasonable range of alternatives to the Project. The DEIR identified two alternatives to the proposed Project. Two additional alternatives including an alternative site and reduced MSW alternative were initially rejected as infeasible for the reasons stated in the DEIR. The site has a CUP to permit the operation of a

recycling facility and is located in a manufacturing zone, so the site is an appropriate place to process MSW. The LEA hereby adopts the EIR's analysis and conclusions regarding alternatives eliminated from further consideration.

The DEIR presents a detailed comparison of Project impacts to the impact profiles of the No-Project Alternative and an alternative to construct a 1,500 tpd Material Recovery Facility (MRF) to process municipal solid waste (MSW). As indicated in the EIR, the Project is considered to be the environmentally superior alternative. Compared to the Project, the no-project alternative may result in increased emissions because it may result in more long distance trips to local landfills. If the Project was not to be constructed in favor of other proposed MSW MRFs in the immediate vicinity of the Project site, these other proposed projects are larger and would generate more emissions. The 1,500 tpd MSW alternative is not considered environmentally superior to the Project for two reasons: (1) the alternative is not consistent with the Project objective to provide both MSW and C&D processing capacity. (2) this alternative may generate more emissions than the Project as C&D trips are diverted to other facilities.

MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of the Public Resources Code requires a lead agency to adopt a "reporting or monitoring program for the changes to the project or conditions of project approval, adopted in order to avoid significant effects on the environment" (Mitigation Monitoring and Reporting Program, Section 15097 of the CEQA Guidelines provides additional direction on mitigation monitoring or reporting).

This Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of all project mitigation measures which have been adopted in the EIR for the proposed Athens Sun Valley Material Recovery Facility. As shown on the MMRP, each required mitigation measure is listed with the party responsible for implementing the mitigation measure, the agency responsible for enforcing each measure and the timing for implementing each measure.